Remarks

The Office Action has been reviewed with care and certain amendments made which are believed to place this application in condition for allowance. Applicant appreciates the attention of the Examiner to this patent application. Applicant further appreciates the time and attention of the Examiner during the interview of December 4, 2006 and respectfully requests the included amendments be entered as an after final amendment under 37 CFR 1.116 since prior to the final office action the applicant did not fully understand the Examiner's reasoning.

Claim rejections under 35 USC 112

Claims 1-6, 8, 9, 11-19, 55-63, 65, 66, 68-71, 72-77, 79, 80, and 82-89 stand rejected under 35 USC 112, first paragraph as unsupported by the specification, since the patent only teaches the use of gibberellin. As such, independent claims 1, 56, 71 and 72 have been amended which as indicated during the interview overcomes the Examiner's rejection.

Next claims 71-89 stand rejected under 35 USC 112, first paragraph as not enabled. In response the independent claims have been amended to clarify that the application of the growth regulating compound during the mid-bloom period, which as defined by the specification is between 50% and 90% of bloom. The Mainland reference only teaches application at full bloom and therefore the current invention is enabled to produced the claimed results via different process described and claimed.

Claim rejections under 35 USC 103

The Office Action rejected claims 1-19 and 55-89 as being obvious in view of *Mainland*. The rejection contends that it would be obvious to one of ordinary skill in the art to further experiment in view of *Mainland* in order to find the specific claimed ranges.

As previously noted and discussed during the interview there is substantial evidence of non-obviousness in this case. The great commercial success of the cranberries grown according the current invention clearly show the non-obvious nature of the current invention. Furthermore, as the Examiner agreed with during the interview, the objective of all of the references being cited against the application expressly have the goal of achieving high fruit sets with large berries

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and teach away from further experimentation as undesirable. Finally, all of the references utilize different methods than are currently claimed. As the current claims make clear, application during the mid-bloom period is critical.

Applicant believes that all rejections have been traversed by amendment and/or argument and all claims are in proper form for allowance. The current amendments are believed to be proper under 35 USC 1.116 and applicant respectfully requests that they be entered and the application allowed. The Examiner is invited to call the undersigned attorney if that would be helpful in facilitating resolution of any issues which might remain.

Respectfully submitted,

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Dated: December 4, 2006
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: MAIL STOP AF, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on December 4, 2006.

Matthew M. Fannin
Name

Signature

12/4/06
Date